

MITCHELL D. GLINER, ESQ.
Nevada Bar #003419
3017 West Charleston Blvd., #95
Las Vegas, NV 89102
Ofc: (702) 870-8700
Fax: (702) 870-0034
Attorney for Plaintiff
mgliner@glinerlaw.com

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TIMOTHY E. FERGUSON,

Plaintiff,

Case No.

vs.

EXPERIAN INFORMATION SOLUTIONS, INC.

JURY DEMANDED

Defendant.

COMPLAINT

JURISDICTION

1. The jurisdiction of this Court attains pursuant to the FCRA, 15 U.S.C. Section 1681(p), and the doctrine of supplemental jurisdiction. Venue lies in the Southern Division of the Judicial District of Nevada as Plaintiff's claims arose from acts of the Defendant perpetrated therein.

PRELIMINARY STATEMENT

2. The Plaintiff brings this action for damages based upon Defendant's violations of the Fair Credit Reporting Act, 15 U.S.C § 1681 *et seq.* (hereinafter referred to as "FCRA"), and of state law obligations brought as supplemental claims.

3. Plaintiff is a natural person and is a "consumer" as defined by § 1681a(c) of the FCRA.

4. The Defendant Experian Information Solutions, Inc. ("Experian"), is a corporate entity licensed to do business in the State of Nevada.

5. Experian is a consumer reporting agency, as defined in FCRA § 1681(f), regularly engaged in the business of assembling, evaluating, and dispensing information concerning consumers for the purpose of furnishing consumer reports, as defined in § 1681a(d) of the FCRA, to third parties.

FACTUAL ALLEGATIONS

6. Plaintiff's creditworthiness has been repeatedly compromised by the acts, obduracy and general indifference of the Defendant.

7. Plaintiff was defrauded by Defendant's client, Hyundai Capital America dba Hyundai Motor Finance (HCA).

8. HCA's fraud was conducted in tandem with its business partner, ABC Hyundai of Las Vegas (ABC).

9. HCA and ABC share interdependent economic interests within a highly profitable Joint Enterprise.

10. Defendant's relationship with HCA is likewise profitable.

11. The fraud resulted in HCA and Defendant delinquent reporting Plaintiff's account.

12. Plaintiff provided a formal complaint to both the Nevada Attorney General and Nevada DMV.

13. On April 9, 2020 Plaintiff disputed Defendant's reporting of HCA's account in great detail (Exhibit 1).

14. Exhibit 1 interstitially documented the underlying fraud resulting in Defendant's serial inaccurate reporting.

15. The documentation Plaintiff provided included inculpatory texts from ABC's own Agent (Exhibit 2).

1 16. Notwithstanding, on May 2, 2020 Defendant “verified” HCA’s misreporting
2 (Exhibit 3).

3 17. On June 26, 2020 Plaintiff again comprehensively disputed Defendant’s reporting
4 (Exhibit 4).

5 18. Notwithstanding, on July 28, 2020 Defendant again “verified” Defendant’s
6 misreporting (Exhibit 5).

7 19. Exhibit 5 reflects a \$1,433.00 *charge-off*.

8 20. By contrast, on July 9, 2020 Trans Union deleted HCA’s fraudulent account
9 (Exhibit 6).

10 21. On October 21, 2020 HCA instructed Defendant to delete the fraudulent tradeline
11 (Exhibit 7).

12 22. Defendant parroted previously reported information notwithstanding
13 documentation strongly revealing the highly unreliable nature of the information. Cushman v.
14 Trans Union Corp., 115 F.3d 220, 225 (3rd Cir. 1997).

15 23. In failing to correct Plaintiff’s report, Defendant continued to report *patently*
16 *inaccurate* information in violation of the FCRA. Drew v. Equifax Information Services, LLC,
17 690 F.3d 1100, 1108 (9th Cir. 2012).

18 24. In failing to appropriately revise Plaintiff’s report, Defendant provided *misleading*
19 information which likewise violated the FCRA, Drew v. Equifax Information Services, LLC, 690
20 F.3d 1100, 1108 (9th Cir. 2012).

21 25. Defendant was precluded from making any report either patently wrong or
22 “missing crucial data” or otherwise misleading. Kuns v. Ocwen Loan Servicing, LLC, 611
23 Fed.Appx. 398 (U.S. Ct. of Appeals, Ninth Circuit 2015).

24 26. Defendant violated the FCRA in its failure to provide additional information
25 explicating the status of Plaintiff’s account. Bush v. Roundpoint Mortg. Servicing Corp., 122
26 F.Supp.3d 1347 (M.D.FI 2015).

1 27. Plaintiff has suffered meaningful emotional distress including, but not limited to,
2 excessive worry, frustration, sleeplessness, anger, humiliation, embarrassment, chagrin and other
3 mental anguish as a direct result of Defendant's conduct. McCollough v. Johnson, Rodenburg &
4 Lauinger, LLC, 637 F.3d 939, 957 (9th Cir. 2011).

5
6 STATEMENT OF CLAIM AS AGAINST DEFENDANT

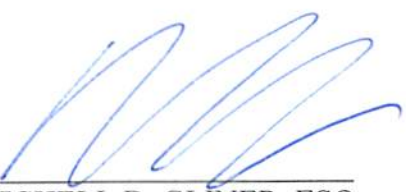
7 28. In the entire course of its action, Defendant willfully and/or negligently violated
8 the provisions of the FCRA in the following respects:

- 9 a. By willfully and/or negligently failing, in the preparation of the consumer reports
10 concerning Plaintiff, to follow reasonable procedures to assure maximum possible
11 accuracy of the information in the reports.
- 12 b. By willfully and/or negligently failing to comport with FCRA § 1681i.

13
14 PRAYER FOR RELIEF

15 THEREFORE, Plaintiff prays that the court grant the following relief as against
16 Defendant:

- 17 a. actual damages;
18 b. punitive damages;
19 c. attorney's fees; and
20 d. costs.

21
22
23 
24 MITCHELL D. GLINER, ESQ.
25 Nevada Bar #003419
26 3017 W. Charleston Blvd. #95
27 Las Vegas, Nevada 89102
28 Attorney for Plaintiff

April 9, 2020

CERTIFIED MAIL

Experian Information Solutions, Inc.
P.O. Box 4500
Allen, TX 75013

Re: Ferguson, Timothy / Dispute

Dear Sir,

This letter is a Dispute. I have attached an excerpt from my recent credit profile (Exhibit 1). My attorney helped me prepare this letter to ensure you have all of the information you need to appropriately address my concerns. I have personally reviewed, approved and signed this correspondence.

I provide my personal information: Timothy E. Ferguson; Spouse: Julia; current address:
; Previous address: 7223 Campolina Court, Las Vegas, NV 89113; SSN
; date of birth: 1962.

Please delete the noted 12/18/15 Hyundai Finance (HF) account (Exhibit 1). It's erroneously reporting a delinquency in excess of \$2,000. The purported delinquency relates to Fraud perpetrated by the Dealership, ABC Hyundai (ABC). ABC and HF share interdependent economic interests and a highly profitable Joint-Enterprise. We were repeatedly advised there would be no excess mileage fees and/or other fees associated with the return of our 2015 Sonata. We have timely made all payments on both vehicles. These deceitful inducements prompted us to buy our 2020 Elantra-otherwise, we would have simply considered buying out the prior Sonata lease. Instead, we received from HF the attached \$2,231 invoice (Exhibit 2).

I've attached copies of texts made by ABC's own salesperson confirming his/their repeated representations there were no excess mileage fees and/or other fees (Exhibits 3 & 4). I've also attached our comprehensive 1/5/20 Complaint sent to both the NV Attorney General and DMV (Exhibit 5). Last, I've attached HF's utterly impasse 1/21/20 dun threatening further collections (Exhibit 6). Again, please delete this fraudulent reporting.

My credit is otherwise superb. Thank you in advance for your anticipated courtesy.

Very truly yours,



Timothy Ferguson

Enclosures

EXHIBIT 1

Hi Javier, just checking on a couple things. Julie stopped by and picked up the green slip, and dropped off the second key to Andrew for the old car. Will you please verify it got to who it needed to so I don't get charged for a missing key. Also just confirming that when they turn the old car back that I'm not going to receive any surprise and owe for any lease turn-in fees, ware-n-tare fees, or over mileage fees, etc?

I'll make sure I get the key

EXHIBIT 2

key to Andrew for the old car. Will you please verify it got to who it needed to so I don't get charged for a missing key. Also just confirming that when they turn the old car back that I'm not going to receive any surprise and owe for any lease turn-in fees, ware-n-tare fees, or over mileage fees, etc?

I'll make sure I get the key to the used car manager! And when you buy into a new Hyundai they waive the fees unless there's significant damage

Awsome I know there

significant damage

Awesome, I know there was no damage, but we were over the miles, but I know you guys said that will all be taken care of? Just double checking, had a bad extinguisher the past!

Oops, bad experience

Of course If Andrew has the keys I'll talk to him about where they went and we'll get everything stored away for the lease end.

Call Sam to turn in fees or

Cool! So no turn in fees or mileage fees?

That's what I've seen when you return a lease in good shape. 👍

Only when the key goes missing or damage to vehicle do they charge additional

My used car manager is pretty quick with the lease end paperwork I'll get in contact with him about your vehicle keys

Thank you!

Wed, Dec 4, 12:17 PM

when you return a lease in
good shape. 👍

Only when the key goes
missing or damage to
vehicle do they charge
additional

My used car manager is
pretty quick with the lease
end paperwork I'll get in
contact with him about
your vehicle keys

Thank you!

Wed, Dec 4, 12:17 PM

Both keys are accounted
for so there should be no
hiccups on that part.

Thank you!

Wed, Dec 4, 12:17 PM

Both keys are accounted for so there should be no hiccups on that part.

Great, Thank you!!

Wed, Dec 18, 10:59 AM

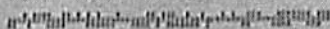


HYUNDAI FINANCE

HYUNDAI MOTOR FINANCE
400 BOX 60027
SILVERADO HILLS, CA 95122-0027

November 23, 2019

MR. JIM FERGUSON
JULIA E. FERGUSON
3102 MELADOR FALLS AVE
N LAS VEGAS, NV 89131-6209

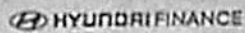


Re: Hyundai Motor Finance Lease Agreement, dated
12/18/2013
Account Number: 151250060
Leased Vehicle: 2015 Hyundai Sonata A/C 4-Door
VIN: 5NPE24AJ421110683
Maturity Date: 12/18/2019

Dear Julia E. Ferguson:

Thank you for returning your leased vehicle to Hyundai Motor Finance as a part of our Loyalty Program. In accordance with the terms of your lease contract, you are responsible for the outstanding fees listed below. If applicable, other fees incurred prior to turning in the vehicle including parking violations, personal property taxes, official state fees and taxes, etc., will be billed at a later date.

Due and unpaid lease payments (including any sales tax)	\$0.00
Other Accounts Due (other than interest, taxes and license mileage)	\$0.00
Excess Mileage Charge	\$2,061.40
Excess Wear and Tear (includes \$300.00 loyalty credit)	\$0.00
Disposition Fee	\$0.00
Account Late Fees	\$0.00



HYUNDAI MOTOR FINANCE
PO BOX 620027
EL DORADO HILLS, CA 95762-0027

November 23, 2019

MR 01 001042 35114 E E A
JULIA E FERGUSON
3008 MELADON FALLS AVE
N LAS VEGAS, NV 89081-4206

Re: Hyundai Motor Finance Lease Agreement, dated
12/18/2015
Account Number: 1113280000
Leased Vehicle: 2019 Hyundai Sonata A2 5dr I4
VIN: SMPE24AU 671100003
Maturity Date: 12/18/2019

Dear Julia E Ferguson:

Thank you for returning your leased vehicle to Hyundai Motor Finance as a part of our Loyalty Program. In accordance with the terms of your lease contract, you are responsible for the outstanding fees listed below. If applicable, other fees incurred prior to turning in this vehicle including parking violations, personal property taxes, official state fees and taxes, etc., will be billed at a later date.

Dual and unpaid lease payments (including any sales tax)	\$0.00
Other Accounts Due (other than escape lease and excess mileage)	\$0.00
Excess Mileage Charges	\$2,061.40
Excess Wear and Use (includes \$200.00 locally insured*)	\$0.00
Disposition Fee	\$0.00
Account Late Fees	\$0.00
Account Priority Taxes	\$0.00
Parking Violations	\$0.00
Official Fees and Taxes (Sales Tax)	\$170.00
Repossession and Storage Expenses	\$0.00
Less: Advanced Lease Payment	\$0.00
Less: Security Deposit	\$0.00
Total:	\$2,231.40

*A Loyalty Reward covers your Disposition Fee of \$400, and any Excess Wear and Use charges up to \$200, when you lease or finance a new Hyundai through Hyundai Finance within 60 days of returning your lease. Please call the number below with your new account information.

Please send your payment of **\$2,231.40** to us within **15 days** from the date of the notice. Please call us at 800-771-3663 should you have any additional questions. Thank you again for allowing Hyundai Motor Finance to service your lease.

Sincerely,
Hyundai Motor Finance

This is an attempt to collect a debt. Any information obtained will be used for that purpose.
Lease End of Term Remittance Letter - 10/18/19 11/23/19

Hi Javier, I need your help.
Why am I getting this bill?
We all agreed, us, you, and
that manager this would
not happen.

Call the dealership ask to
speak to Neil Goalstone. I

Hi Javier, I need your help.
Why am I getting this bill?
We all agreed, us, you, and
that manager this would
not happen.

Call the dealership ask to
speak to Neil Goalstone. I
was told the same as you
about the remaining
balance on a lease trade in

That is our general sales
manager

K

PO Box 9701
Allen, TX 75013



0004800 01 MB 0.436 **AUTO T5 0 7106 89081 525503 C01 P046041
TIMOTHY E FERGUSON



TIMOTHY E FERGUSON

Dispute Results

Report # 1189-5244-62 for 05/02/20

Our reinvestigation of the dispute(s) and/or other request(s) you recently submitted is now complete. If an item you disputed is not in the list of results below, it was either not appearing in your credit file or it already reflected the requested status at the time of our reinvestigation.

In response to your recent request, we are sending you this credit report. Before contacting us, please review this report carefully. If you disagree with an item, you may dispute it. We will process disputes generally by sending your dispute to the furnisher of the information or to the vendor who collected the information from a public record. If we were able to make changes to your credit report based on information you provided, or if you requested the addition of a statement, we have done so. Otherwise, we have contacted the company reporting the information you disputed, supplied them all relevant information and any documents you gave us with your dispute, and instructed them to: review all information we provide them about your dispute; verify the accuracy of the information; provide us a response to your dispute; and update their records and systems as necessary.

How to read your results

Deleted - This item was removed from your credit report. **Remains** - The company that reported the information has certified to Experian that the information is accurate. This item was not changed as a result of our processing of your dispute. **Updated** (Your results will indicate which one of the following applies.) - a) The information you disputed has been updated. Please review your report for the details. b) The item you disputed has been updated, which may include an update to the disputed information. Please review your report for the details. c) The information you disputed has been verified as accurate, however, information unrelated to your dispute has been updated. Please review your report for the details. d) Information on this item has been updated. Please review your report for the details. **Processed** - This item was either updated or deleted; Please review your report for the details.

Here are your results

Credit items

HYUNDAI CAPITAL AMERICA 151328... Outcome: Updated - The item you disputed has been updated, which may include an update to the disputed information. Please review your report for the details.

Before dispute

HYUNDAI CAPITAL AMERICA 151328... 4000 MACARTHUR BLVD STE 1000 NEWPORT BEACH CA 92660 (800) 528-4030

Date opened	First reported	Recent balance	Payment history
Dec 2015	Dec 2015	\$1,433 as of Apr 2020	Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec
Address ID #	Terms	Status	
0668215410	48 Months	Open, \$1,433 past due as of Apr 2020.	2020
Type	Monthly payment	By Jan 2027, this	2019
Auto Lease	\$266	account is scheduled to go to a positive status.	2018
Responsibility	Credit limit or original amount	Comment:	2017
Joint with	\$11,799	Early	2016
JULIA FERGUSON	High balance	termination/balance owing.	2015
	Not reported	Date of Status	
		Apr 2020	

0107771912

page 1 of 8

EXHIBIT 3

2106-01-00 0004800 (001) 00101316

	Jan20	Dec19	Nov19	Oct19	Sep19	Sep19	Jul19	Jun19	May19	Apr19	Mar19	Feb19	Jan19	Dec18	Nov18
AB (\$)	2,231	2,231	2,231	268	511	757	1,003	1,249	1,435	1,741	1,966	2,232	2,478	2,724	2,970
DPR	Dec05	Dec05	Nov21	Oct15	Sep18	Aug18	Jul18	Jun18	May18	Apr18	Mar18	Feb18	Jan18	Dec19	Nov17
SPA (\$)	266	266	266	266	266	266	266	266	266	266	266	266	266	266	266
AAP (\$)	ND	10,400	266	266	266	266	266	266	266	266	266	266	266	266	266
	Oct18	Sep18	Aug18	Jul18	Jun18	May18	Apr18								
AB (\$)	3,216	3,451	3,707	3,953	4,199	4,445	4,691								
DPR	Oct18	Sep18	Aug19	Jul23	Jun18	May18	Apr18								
SPA (\$)	266	266	266	266	266	266	266								
AAP (\$)	266	266	266	266	266	266	266								

The original amount of this account was \$11,799

After dispute

Date opened	First reported	Recent balance	Payment history
Dec 2015	Dec 2015	\$1,433 as of Apr 2020	
Address ID #	Terms	Status	Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec
0688215410	48 Months	Open/Never late	2020
Type	Monthly payment	Comment:	2019
Auto Lease	\$265	Early	2018
Responsibility	Credit limit or original amount	termination/balance owing.	2017
Joint with	\$11,799	This item was updated from our processing of your dispute in May 2020.	2016
JULIA FERGUSON	High balance	Date of Status	2015
	Not reported	Apr 2020	

[illegible]

The original amount of this account was \$11,799

If our reinvestigation has not resolved your dispute, you have several options:

You may add a statement of up to 100 words to your report. If you provide a consumer statement that contains medical information related to service providers or medical procedures, then you expressly consent to Experian including this information in every credit report we issue about you. You may contact the company that reports the information to us and dispute it directly with them. If you wish to obtain documentation or written verification concerning your accounts, please contact your creditors directly. You may provide us additional information or documents about your dispute to help us resolve it by visiting www.experian.com/upload. You may also mail your information to Experian, P.O. Box 9701, Allen, Texas 75013. You may file a complaint about Experian or the company reporting the item, with the Consumer Financial Protection Bureau or your State Attorney General's office. If there has been a change to your credit history resulting from our reinvestigation, or if you add a consumer statement, you may request that Experian send an updated report to those who received your report within the last 12 months for employment purposes, or within the last six months for any other purpose (the past 12 months for residents of Colorado, Maryland or New York). If you send a request to have your results sent to past recipients of your credit report, please designate the organization's name and address. In the event an organization is not specifically designated, we will generally default to sending only to companies that have requested your credit information as a result of an action you took, such as applying for credit, insurance, employment or apartment rental. If interested, you may also request a description of how the reinvestigation was conducted along with the business name, address and telephone number (if reasonably available) of the furnisher of information. Thank you for helping ensure the accuracy of your credit information. For frequently asked questions about your credit report, please visit experian.com/consumerfaqs.

Your Updated Credit Report

Payment History Legend

Current	Account 150 days past due	Voluntarily surrendered	Defaulted on contract
Account 30 days past due	Account 180 days past due	In possession	Collection

TIMOTHY E FERGUSON | Report # 1189-5244-62 for 05/02/20

60 Account 60 days past due	CRD Creditor received deed	PBC Paid by creditor	CO Charge off
90 Account 90 days past due	FS Foreclosure proceedings started	EC Insurance claim	CLS Closed
120 Account 120 days past due	F Foreclosed	G Claim filed with government	ND No data for this time period

*If your creditor reported your account balances to us, we list them in this section as additional information about your account.

Medical Information

By law, we cannot disclose certain medical information (relating to physical, mental, or behavioral health or condition). Although we do not generally collect such information, it could appear in the name of a data furnisher (i.e. "Cancer Center") that reports your payment history to us. If so, those names display on your report, but on reports to others, they display only as MEDICAL PAYMENT DATA. Consumer statements included on your report at your request that contain medical information are disclosed to others.

Your accounts in good standing These items may stay on your credit report for as long as they are open. Once an account is closed or paid off it may continue to appear on your report for up to ten years. Each of the items in this section has a positive payment history, meaning that no delinquencies or derogatory statuses are reported in the displayable payment history.

Credit items

AQUA FINANCE Partial Acct # X40368... 1 CORPORATE DRIVE WAUWATSEGA, WI 54401 (715) 848 5425

Date opened Oct 2018	Responsibility Joint with JULIA E FERGUSON	Monthly payment Not reported	Recent balance Not reported
Address ID # 0668215410	First reported Oct 2018	Credit limit or original amount \$1,000	Status Closed
Type Line of Credit	Terms Not reported	High balance \$1,000	Comment: This account is scheduled to continue on record until Dec 2026.
			Date of Status Dec 2018

CAPITAL ONE Partial Acct # 517805246833... PO BOX 36285 SALT LAKE CITY UT 84130 (800) 227 4825

Date opened Aug 2011	Responsibility Individual	Monthly payment \$25	Recent balance \$7,266 as of Apr 2020
Address ID # 0668215410	First reported Sep 2011	Credit limit or original amount \$5,000	Status Open/Never late.
Type Credit card	Terms Not reported	High balance \$5,000	Date of Status Apr 2020

Account History * (AB = Account Balance, DPR = Date Payment Received, SPA = Scheduled Payment Amount, AAP = Actual Amount Paid)

	Mar20	Feb20	Jan20	Dec19	Nov19	Oct19	Sep19	Aug19	Jul19	Jun19	May19	Apr19	Mar19	Feb19	Jan19
AB (\$)	7,284	7,175	7,087	5,701	4,296	4,181	3,787	3,800	3,855	3,617	3,536	3,110	3,148	3,206	3,192
DPR	Mar16	Feb17	Jan16	Dec16	Nov16	Oct17	Sep16	Aug16	Jul17	Jun17	May16	Apr15	Mar15	Feb15	Jan15
SPA (\$)	229	236	231	165	143	134	115	117	114	114	102	94	89	108	108
AAP (\$)	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

	Dec18	Nov18	Oct18	Sep18	Aug18	Jul18	Jun18	May18	Apr18	Mar18	Feb18	Jan18	Dec17	Nov17	Oct17
AB (\$)	3,219	3,448	2,669	2,609	2,914	2,842	2,878	2,878	2,878	2,878	2,878	2,878	2,878	2,878	2,878
DPR	Dec15	Nov18	Oct15	Sep15	Aug16	Jul14	Jun15	May15	Apr15	Mar15	Feb15	Jan15	Dec14	Nov14	Oct14
SPA (\$)	103	108	100	96	97	93	98	98	98	98	98	98	98	98	98
AAP (\$)	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

Between Oct 2018 and Mar 2020, your credit limit/high balance was \$8,750

Between May 2018 and Sep 2018, your credit limit/high balance was \$5,750

FNB OMAHA Partial Acct # 5666166666... PO BOX 12 OMAHA NE 68103 (800) 888 7070

Date opened Mar 2015	Responsibility Individual	Monthly payment \$10	Recent balance \$2,125 as of Apr 2020
Address ID # 0668215410	First reported Apr 2015	Credit limit or original amount \$5,000	Status Open/Never late.
Type Credit card	Terms Not reported	High balance \$5,000	Date of Status Apr 2020
	Recent payment \$110		

Account History * (AB = Account Balance, DPR = Date Payment Received, SPA = Scheduled Payment Amount, AAP = Actual Amount Paid)

	Mar20	Feb20	Jan20	Dec19	Nov19	Oct19	Sep19	Aug19	Jul19	Jun19	May19	Apr19	Mar19	Feb19	Jan19
AB (\$)	2,200	2,272	2,350	2,487	2,592	2,688	2,788	2,887	2,982	3,075	3,170	3,318	2,999	3,100	3,201
DPR	Mar20	Feb20	Jan21	Dec19	Nov18	Oct21	Sep19	Aug18	Jul17	Jun17	May20	Apr22	Mar19	Feb19	Jan22
SPA (\$)	102	109	113	118	122	127	135	142	144	145	147	155	137	141	149
AAP (\$)	110	150	150	150	140	150	150	150	150	150	170	150	150	150	340

	Dec18	Nov18	Oct18	Sep18	Aug18	Jul18	Jun18	May18	Apr18	Mar18	Feb18	Jan18	Dec17	Nov17	Oct17
AB (\$)	3,504	3,414	3,520	3,627	3,728	3,404	3,505	3,505	3,505	3,505	3,505	3,505	3,505	3,505	3,505
DPR	Nov19	Nov19	Oct16	Sep19	Aug20	Jul20	Jun19	May19	Apr19	Mar19	Feb19	Jan19	Dec18	Nov18	Oct18

June 26, 2020

CERTIFIED MAIL

Experian Information Solutions, Inc.
P.O. Box 4500
Allen, TX 75013

Re: Ferguson, Timothy / Dispute

Dear Sir,

This letter is a Dispute. I have attached an excerpt from my recent credit profile (Exhibit 1). My attorney helped me prepare this letter to ensure you have all of the information you need to appropriately address my concerns. I have personally reviewed, approved and signed this correspondence.

I provide my personal information: Timothy E. Ferguson; Spouse: Julia; current address: ; Previous address: 7223 Campolina Court, Las Vegas, NV 89113; SSN ; date of birth: 1962.

Please delete the noted 12/18/15 Hyundai Finance (HF) account (Exhibit 1). It's erroneously reporting a delinquency in excess of \$2,000. The purported delinquency relates to Fraud perpetrated by the Dealership, ABC Hyundai (ABC). ABC and HF share interdependent economic interests and a highly profitable Joint-Enterprise. We were repeatedly advised there would be no excess mileage fees and/or other fees associated with the return of our 2015 Sonata. We have timely made all payments on both vehicles. These deceitful inducements prompted us to buy our 2020 Elantra-otherwise, we would have simply considered buying out the prior Sonata lease. Instead, we received from HF the attached \$2,231 invoice (Exhibit 2).

I've attached copies of texts made by ABC's own salesperson confirming his/their repeated representations there were no excess mileage fees and/or other fees (Exhibits 3 & 4). I've also attached our comprehensive 1/5/20 Complaint sent to both the NV Attorney General and DMV (Exhibit 5). Last, I've attached HF's utterly impassive 1/21/20 dun threatening further collections (Exhibit 6). Again, please delete this fraudulent reporting.

On June 2, 2020 I filed a Federal Complaint against Hyundai (Exhibit 7).

My credit is otherwise superb. Thank you in advance for your anticipated courtesy.

Very truly yours,



Timothy Ferguson

Enclosures

EXHIBIT 4

PO Box 9701
Allen, TX 75013



0007797 01 A5 0.416 **AUTO T5 1 7180 09001-525505 -C01-P07804-1
TIMOTHY E FERGUSON



TIMOTHY E FERGUSON

Dispute Results

Report # 0525-5208-66 for 07/28/20

Our reinvestigation of the dispute(s) and/or other request(s) you recently submitted is now complete. If an item you disputed is not in the list of results below, it was either not appearing in your credit file or it already reflected the requested status at the time of our reinvestigation.

OTHER ITEMS DISPUTED ARE NOT CURRENTLY DISPLAYING ON YOUR PERSONAL CREDIT REPORT:-

If you believe you are a victim of fraud, you may want to contact your local law enforcement agency to make an identity theft report. The identity theft report should include as many of the following elements as possible: specific dates such as when the loss or theft of personal information occurred or when the fraud(s) occurred; how you discovered or learned of the theft; any known information about the perpetrator; the names of creditors and account numbers involved in the theft; name and/or badge number of the law enforcement personnel who processed the report; the filing date and case number. You may find the following suggestions helpful:

- **Protect Yourself First**, make sure an Initial Security Alert or Extended Fraud Victim Alert is on file with all nationwide consumer credit reporting agencies. If you request an alert with us, we will share your request with the other nationwide consumer credit reporting agencies, Equifax and TransUnion.
- **Inform the Sources** Contact each source of information, including creditors and public record offices, and inform them that the account is fraudulent.
- **Document all Contacts** Make notes of everyone you spoke with; ask for names, department names, phone extensions; record the date you spoke to them.
- **Understand the Process** Each creditor may have a different process for handling a fraud claim. Make sure you understand exactly what is expected from you, and then ask what you can expect from the creditor. At the conclusion of a dispute, ask the creditor for a document that states you are not responsible for the debt.
- **Follow Up** Make sure everything the creditor or credit reporting agency has requested is received. It is always a good idea to place a follow up call or send a letter for confirmation.
- **Review Reports Regularly** We suggest that you routinely request new copies of your personal credit report to review.
- **Don't Throw Away Files** Keep all notes and correspondence in an accessible file in case they are needed in the future.

In response to your recent request, we are sending you this credit report. Before contacting us, please review this report carefully. If you disagree with an item, you may dispute it. We will process disputes generally by sending your dispute to the furnisher of the information or to the vendor who collected the information from a public record. If we were able to make changes to your credit report based on information you provided, or if you requested the addition of a statement, we have done so. Otherwise, we have contacted the company reporting the information you disputed, supplied them all relevant information and any documents you gave us with your dispute, and instructed them to: review all information we provide them about your dispute; verify the accuracy of the information; provide us a response to your dispute; and update their records and systems as necessary.

How to read your results

Deleted - This item was removed from your credit report. **Remains** - The company that reported the information has certified to Experian that the information is accurate. This item was not changed as a result of our processing of your dispute. **Updated** (Your results will indicate which one of the following applies.) - a) The information you disputed has been updated. Please review your report for the details. b) The item you disputed has been updated, which may include

0107771912

page 1 of 8

EXHIBIT 5

7180-01-00-0007797-0001-0017167

TIMOTHY E FERGUSON | Report # 0525-5208-66 for 07/28/20

an update to the disputed information. Please review your report for the details. c) The information you disputed has been verified as accurate, however, information unrelated to your dispute has been updated. Please review your report for the details. d) Information on this item has been updated. Please review your report for the details. Processed - This item was either updated or deleted; Please review your report for the details.

Here are your results

Credit items

HYUNDAI CAPITAL AMERICA 151328.... Outcome: Updated - The item you disputed has been updated, which may include an update to the disputed information. Please review your report for the details.



Before dispute

HYUNDAI CAPITAL AMERICA Partial Acct # 151328... 4000 MACARTHUR BLVD STE 1000 NEWPORT BEACH CA 92660 (800) 523-4030														
Date opened Dec 2015	First reported Dec 2015	Recent balance \$1,433 as of Apr 2020	Payment history											
Address ID # 0668215410	Terms 48 Months	Status Open/Never late.	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Type Auto Lease	Monthly payment \$266	Comment: Early	2020											
Responsibility Joint with JULIA FERGUSON	Credit limit or original amount \$11,799	termination/balance owing. This item was updated from our processing of your dispute in May 2020.	2019											
	High balance Not reported	Date of Status Apr 2020	2018											
			2017											
			2016											
			2015											

Account History * (AB = Account Balance, DPR = Date Payment Received, SPA = Scheduled Payment Amount, AAP = Actual Amount Paid)

	Jan20	Dec19	Nov19	Oct19	Sep19	Sep19	Jul19	Jun19	May19	Apr19	Mar19	Feb19	Jan19	Dec18	Nov18
AB (\$)	2,231	2,231	2,231	206	511	757	1,003	1,249	1,495	1,741	1,986	2,232	2,478	2,724	2,970
DPR	Dec05	Dec05	Nov21	Oct16	Sep18	Aug18	Jul18	Jun18	May18	Apr18	Mar18	Feb18	Jan18	Dec19	Nov17
SPA (\$)	266	266	266	266	266	266	266	266	266	266	266	266	266	266	266
AAP (\$)	ND	10,400	266	266	266	266	266	266	266	266	266	266	266	266	266
	Oct18	Sep18	Aug18	Jul18											
AB (\$)	3,216	3,461	3,707	3,953											
DPR	Oct18	Sep18	Aug19	Jul23											
SPA (\$)	266	266	266	266											
AAP (\$)	266	266	266	266											

The original amount of this account was \$11,799

After dispute

HYUNDAI CAPITAL AMERICA Partial Acct # 151328... 4000 MACARTHUR BLVD STE 1000 NEWPORT BEACH CA 92660 (800) 523-4030														
Date opened Dec 2015	First reported Dec 2015	Recent balance \$1,433 as of Jul 2020	Payment history											
Address ID # 0668215410	Terms 48 Months	Status Account charged off.	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Type Auto Lease	Monthly payment Not reported	Comment: This account is scheduled to continue on record until Dec 2026.	2020							CO	CO			
Responsibility Joint with JULIA FERGUSON	Credit limit or original amount \$11,799	termination/balance owing. This item was updated from our processing of your dispute in Jul 2020.	2019											
	High balance Not reported	Date of Status Jun 2020	2018											
			2017											
			2016											
			2015											

Account History * (AB = Account Balance, DPR = Date Payment Received, SPA = Scheduled Payment Amount, AAP = Actual Amount Paid)

	Apr20	Jan20	Dec19	Nov19	Oct19	Sep19	Sep19	Jul19	Jun19	May19	Apr19	Mar19	Feb19	Jan19	Dec18
AB (\$)	1,433	2,231	2,231	2,231	206	511	757	1,003	1,249	1,495	1,741	1,986	2,232	2,478	2,724
DPR	Nov18	Dec05	Dec05	Nov21	Oct16	Sep18	Aug18	Jul18	Jun18	May18	Apr18	Mar18	Feb18	Jan18	Dec19
SPA (\$)	266	266	266	266	266	266	266	266	266	266	266	266	266	266	266
AAP (\$)	ND	ND	10,400	266	266	266	266	266	266	266	266	266	266	266	266
	Nov18	Oct18	Sep18	Aug18	Jul18										
AB (\$)	2,970	3,216	3,461	3,707	3,953										
DPR	Nov17	Oct18	Sep18	Aug19	Jul23										
SPA (\$)	266	266	266	266	266										

0107771912

page 2 of 8

7180 01 00 000777 0001-0017167

TIMOTHY E FERGUSON | Report # 0525-5208-66 for 07/28/20

AAP (\$) 266 266 266 266 266
 The original amount of this account was \$11,799

If our reinvestigation has not resolved your dispute, you have several options:

You may add a statement of up to 100 words to your report. If you provide a consumer statement that contains medical information related to service providers or medical procedures, then you expressly consent to Experian including this information in every credit report we issue about you. You may contact the company that reports the information to us and dispute it directly with them. If you wish to obtain documentation or written verification concerning your accounts, please contact your creditors directly. You may provide us additional information or documents about your dispute to help us resolve it by visiting www.experian.com/upload. You may also mail your information to Experian, P.O. Box 9701, Allen, Texas 75013. You may file a complaint about Experian or the company reporting the item, with the Consumer Financial Protection Bureau or your State Attorney General's office. If there has been a change to your credit history resulting from our reinvestigation, or if you add a consumer statement, you may request that Experian send an updated report to those who received your report within the last two years for employment purposes, or within the last six months for any other purpose (the past 12 months for residents of Colorado, Maryland or New York), or within the last year for any non-employment purpose under the California Investigative Consumer Reporting Agencies Act. If you send a request to have your results sent to past recipients of your credit report, please designate the organization's name and address. In the event an organization is not specifically designated, we will generally default to sending only to companies that have requested your credit information as a result of an action you took, such as applying for credit, insurance, employment or apartment rental. If you request to have your results sent to past recipients of your investigative consumer report, you have the right to designate which entities you wish to receive the updated report and which entities you do not wish to receive the update. If interested, you may also request a description of how the reinvestigation was conducted along with the business name, address and telephone number (if reasonably available) of the furnisher of information. Thank you for helping ensure the accuracy of your credit information. For frequently asked questions about your credit report, please visit experian.com/consumerfaqs.

Your Updated Credit Report

Payment History Legend

Current	Account 150 days past due	Voluntarily surrendered	Defaulted on contract
Account 30 days past due	Account 180 days past due	Repossession	Collection
Account 60 days past due	Creditor received deed	Paid by creditor	Charge off
Account 90 days past due	Foreclosure proceedings started	Insurance claim	Closed
Account 120 days past due	Foreclosed	Claim filed with government	No data for this time period

*If your creditor reported your account balances to us, we list them in this section as additional information about your account.

Medical Information

By law, we cannot disclose certain medical information (relating to physical, mental, or behavioral health or condition). Although we do not generally collect such information, it could appear in the name of a data furnisher (i.e. "Cancer Center") that reports your payment history to us. If so, those names display on your report, but on reports to others, they display only as MEDICAL PAYMENT DATA. Consumer statements included on your report at your request that contain medical information are disclosed to others.

Your accounts that may be considered negative The most common items in this section are late payments, accounts that have been charged off or sent to collection, and bankruptcies. It also may contain items that are not necessarily negative, but that a potential creditor might want to review more closely, such as an account that has been settled or transferred. This information is generally removed seven years from the initial missed payment that led to the delinquency. Missed payments may remain on the credit report for up to seven years. Chapters 7, 11 and 12 bankruptcies may remain on the credit report for up to 10 years. Transferred accounts that have not been past due remain up to 10 years after the date the account was transferred.

Credit items

HYUNDAI CAPITAL AMERICA Partial Acct # 151328 4000 MACARTHUR BLVD STE 1000 NEWPORT BEACH CA 92660 (800) 528-4030

TIMOTHY E FERGUSON | Report # 0525-5208-66 for 07/28/20

Date opened Dec 2015
Address ID # 0568215410
Type Auto Lease
Responsibility Joint with JULIA FERGUSON
First reported Dec 2015
Terms 48 Months
Monthly payment Not reported
Credit limit or original amount \$11,799
High balance Not reported
Recent balance \$1,433 as of Jul 2020
Status Account charged off.
\$1,433 past due as of Jul 2020.
This account is scheduled to continue on record until Dec 2026.
Comment: Early termination/balance owing.
This item was updated from our processing of your dispute in Jul 2020.
Date of Status Jun 2020

Payment history

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2020						CO	CO					
2019												
2018												
2017												
2016												
2015												



Account History * (AB = Account Balance, DPR = Date Payment Received, SPA = Scheduled Payment Amount, AAP = Actual Amount Paid)

	Apr20	Jan20	Dec19	Nov19	Oct19	Sep19	Sep19	Jul19	Jun19	May19	Apr19	Mar19	Feb19	Jan19	Dec18
AB (\$)	1,433	2,231	2,231	2,231	266	511	757	1,003	1,249	1,495	1,741	1,988	2,232	2,478	2,724
DPR	Nov18	Dec05	Dec05	Nov21	Oct18	Sep18	Aug18	Jul18	Jun18	May18	Apr18	Mar18	Feb18	Jan18	Dec17
SPA (\$)	266	266	266	266	266	266	266	266	266	266	266	266	266	266	266
AAP (\$)	ND	ND	10,400	266	266	266	266	266	266	266	266	266	266	266	266

	Nov18	Oct18	Sep18	Aug18	Jul18
AB (\$)	2,970	3,216	3,461	3,707	3,953
DPR	Nov17	Oct18	Sep18	Aug19	Jul23
SPA (\$)	266	266	266	266	266
AAP (\$)	266	266	266	266	266

The original amount of this account was \$11,799

Your accounts in good standing These items may stay on your credit report for as long as they are open. Once an account is closed or paid off it may continue to appear on your report for up to ten years. Each of the items in this section has a positive payment history, meaning that no delinquencies or derogatory statuses are reported in the displayable payment history.

KOTA FINANCE Partial Acc # X40368 1 CORPORATE DRIVE SALT LAKE CITY UT 84117 (800) 248-5425

Date opened Oct 2018
Address ID # 0668215410
Type Line of Credit
Responsibility Joint with JULIA E FERGUSON
First reported Oct 2018
Terms Not reported
Monthly payment Not reported
Credit limit or original amount \$7,500
High balance \$7,502
Recent balance Not reported
Status Closed.
This account is scheduled to continue on record until Dec 2026.
Comment: Purchased by another lender.
Date of Status Dec 2018

CAPITAL ONE Partial Acc # 517805646838 PO BOX 30285 SALT LAKE CITY UT 84130 (800) 227-4825

Date opened Aug 2011
Address ID # 0568215410
Type Credit card
Responsibility Individual
First reported Sep 2011
Terms Not reported
Monthly payment \$221
Credit limit or original amount \$8,750
High balance \$7,429
Recent balance \$7,146 as of Jul 2020
Status Open/Never late.
Date of Status Jul 2020

Account History * (AB = Account Balance, DPR = Date Payment Received, SPA = Scheduled Payment Amount, AAP = Actual Amount Paid)

	Jun20	May20	Apr20	Mar20	Feb20	Jan20	Dec19	Nov19	Oct19	Sep19	Aug19	Jul19	Jun19	May19	Apr19
AB (\$)	7,249	7,243	7,266	7,284	7,175	7,087	5,701	4,296	4,181	3,787	3,609	3,655	3,817	3,536	3,110
DPR	Jun17	May18	Apr17	Mar18	Feb17	Jan18	Dec18	Nov18	Oct17	Sep18	Aug19	Jul17	Jun17	May16	Apr15
SPA (\$)	230	225	231	229	236	231	185	143	134	115	117	114	114	102	84
AAP (\$)	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

	Mar19	Feb19	Jan19	Dec18	Nov18	Oct18	Sep18	Aug18	Jul18
AB (\$)	3,143	3,206	3,192	3,219	3,448	2,669	2,699	2,914	2,842
DPR	Mar15	Feb15	Jan15	Dec15	Nov18	Oct15	Sep15	Aug18	Jul14
SPA (\$)	89	108	108	108	100	96	97	93	93
AAP (\$)	ND	ND	ND	ND	ND	ND	ND	ND	ND

Between Oct 2018 and Jun 2020, your credit limit/high balance was \$8,750

Between Jul 2018 and Sep 2018, your credit limit/high balance was \$5,750

FNB/OMAHA Partial Acc # 5965168052 PO BOX 60112 OMAHA NE 68103 (800) 688-7070

*** 313935095-018 ***
TransUnion LLC
PO Box 805
Woodlyn, PA 19094-0805



07/09/2020



PCF7PH00200693-I008305-071941760



TIMOTHY E. FERGUSON

Dear TIMOTHY E. FERGUSON,

We understand that recently something on your credit report did not seem right to you. We take this matter seriously, and we want to make sure your TransUnion credit report is accurate. It's our commitment to you.

Our investigation of the dispute you submitted is now complete. After a review of your dispute and any provided documentation, we took one or more of the following action(s):

1. Updated your credit report based on the information you provided; OR
2. Determined that the information you disputed either does not appear on your credit-file-or already shows the requested status; OR
3. Determined that the data furnisher had previously verified the reported information. If any of the items you disputed were previously verified, a separate communication was sent to you listing those items along with the data furnisher's contact information; OR
4. Asked the data furnisher reporting the information you disputed to do all of the following:
 - Review relevant information we sent them, including any provided documents
 - Investigate your dispute and verify whether the information they report is accurate
 - Provide us a response to your dispute and update any other information
 - Update their records and systems, if necessary;

Your dispute is important. In the pages that follow, you will see your detailed investigation results, including the name and contact details of the source of the information. Please review the results carefully. To view a full copy of your credit report and for more information about how to read your credit report, please visit www.transunion.com/fullreport.

How to Read Your Investigation Results

You will see that, for each disputed item, a summary explanation appears in the gray box, followed by a brief paragraph describing the results of our investigation, followed by a view of how the item appears in your updated credit report. Please note any changes we made to personal information (name, address, employment, SSN, date of birth) will appear at the end of **Your Investigation Results**.

File Number: 313835085
Date Issued: 07/08/2020

Page 3 of 4

Your Investigation Results

INVESTIGATION RESULTS - DELETED: The disputed item(s) was removed from your credit report.

HYUNDAI FINANCE #151328**** (POB 20835, FOUNTAIN VLY, CA 92728-0835, (800) 523-4030 x7081)
In response to your dispute, this item was **DELETED** from your credit report.

.....

Universal Data Form												
AUD Correction Indicator: Update <input type="checkbox"/> Delete <input checked="" type="checkbox"/> Delete due to fraud <input type="checkbox"/>												
Subscriber Name: Hyundai Capital America							Equifax SC: 180FA02062					
Subscriber Address: 4000 McArthur Blvd 7th floor, Newport Beach, CA 92660-3363							Experian SC: 2612005					
							Innovis SC: 3057511					
							TU SC: 7678002					
Consumer Information												
Last Name		First Name		Middle Name		Gen	SSN		DOB			
FERGUSON		JULIA										
Current Address					City		State		Zip+4			
							NV					
Previous Last Name			Previous First Name			Previous Middle Name			Previous Gen			
Previous Address					City		State		Zip+4			
Consumer Information Indicator:			ECOA: <input type="checkbox"/>				Phone:					
Employment Information												
Employer Name:						Occupation:						
Current Address					City		State		Zip+4			
Associated Consumer Information												
Last Name		First Name		Middle Name		Gen	SSN		DOB			
FERGUSON		TIMOTHY										
Current Address					City		State		Zip+4			
							NV					
Consumer Information Indicator:			ECOA: <input type="checkbox"/>				Phone:					
Last Name		First Name		Middle Name		Gen	SSN		DOB			
Current Address					City		State		Zip+4			
Consumer Information Indicator:			ECOA: <input type="checkbox"/>				Phone:					
Account Information												
Account Number		Date Opened	Current Balance	Amount Past Due	Portfolio Type	Credit Limit	High Credit	Schedule Monthly	SCC	CCC		
0960		12-18-2015			I							
Term Dur /Freq	Date Closed	Actual Payment	Date of Last Payment	Account Status	Payment Rating	Account Type	Interest Type Indicator	Date of Account Information	FCRA 1 st Date of Delinquency	Original Charge-off Amount		
/				DA		3A		10-21-2020				
Original Creditor Name			Creditor Classification	Mortgage Agency Identifier			Sec Marketing Agency Id Account #		Specialized Payment Indicator			
Purchased Portfolio or Sold Name			Portfolio Indicator	Deferred Payment Start Date			Balloon Payment Due Date		Balloon Payment Amount			
Mortgage Id #							AUD Control #		101400899			
Account History												
Month	Dec	Nov	Oct	Sep	Aug	Jul	Jun	May	Apr	Mar	Feb	Jan
2020												
2019	-	-	-	-	-	-	-	-	-	-	-	-
2018	-	-	-	-	-	-	-	-	-	-	-	-
2017	-	-	-	-	-	-	-	-	-	-	-	-
2016	-	-	-	-	-	-	-	-	-	-	-	-
2015	-	-	-	-	-	-	-	-	-	-	-	-
2014	-	-	-	-	-	-	-	-	-	-	-	-
2013	-	-	-	-	-	-	-	-	-	-	-	-

Submitted By: [REDACTED]Tel#: [REDACTED]

Date: 10-21-2020

By submitting this AUD, you certify that you have verified the accuracy of the data in compliance with all legal requirements, and your computer and/or manual records will be adjusted to reflect the changes noted

EXHIBIT 7